

House File 128

HOUSE FILE _____
BY HEDDENS, SWAIM, BERRY,
and KUHN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to pesticide application within schools, and on
2 school grounds, athletic fields, and playgrounds, and
3 providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1446HH 82
6 kh/gg/14

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1 1 Section 1. Section 206.2, Code 2007, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 13A. "Indoor pesticide treatment" means a
1 4 pesticide treatment that includes an outside perimeter
1 5 treatment of a building if the primary purpose of the
1 6 treatment is to treat the inside of the building.
1 7 NEW SUBSECTION. 15A. "Integrated pest management plan"
1 8 means a decision-making process that includes inspection and
1 9 pest identification; monitoring of pest and beneficial insect
1 10 populations and related recordkeeping; injury=level
1 11 assessments to determine when treatment is needed; treatment
1 12 selection and application, with pest prevention methods,
1 13 including habitat modification and sanitation measures, and
1 14 nontoxic controls treatment; and evaluation of results.
1 15 NEW SUBSECTION. 18A. "Outdoor pesticide treatment" means
1 16 an outdoor pesticide treatment that is applied anywhere on
1 17 school grounds, including but not limited to athletic fields
1 18 or playgrounds.
1 19 NEW SUBSECTION. 20A. "Pest" means, for purposes of
1 20 sections 206.40 through 206.46, an insect, rodent, nematode,
1 21 fungus, weed, or other form of terrestrial or aquatic plant or
1 22 animal life or virus, bacteria, or other microorganism, except
1 23 viruses, bacteria, or other microorganisms on or in living
1 24 humans or other living animals, declared to be a pest under
1 25 the federal Insecticide, Fungicide, and Rodenticide Act, 7
1 26 U.S.C. } 136 et seq., as amended.
1 27 NEW SUBSECTION. 20B. "Pest control information sheet"
1 28 means a document that contains the date of treatment; the
1 29 name, address, and telephone number of the applicator; the
1 30 pesticide utilized; and any other information required by the
1 31 secretary.
1 32 NEW SUBSECTION. 21A. "Pesticide application technician"
1 33 means an individual, employed by a commercial applicator or a
1 34 governmental agency, who is certified or licensed under this
1 35 chapter to apply pesticides under the direct supervision of a
2 1 certified or licensed applicator.
2 2 NEW SUBSECTION. 27A. "School" means, for purposes of
2 3 sections 206.40 through 206.46, a public or nonpublic school
2 4 under section 280.2, or a school operated by a state agency
2 5 for special purposes.
2 6 Sec. 2. NEW SECTION. 206.40 ANNUAL PARENTAL NOTIFICATION
2 7 REGARDING SCHOOL PESTICIDE USE.
2 8 The chief administrator of a school or the chief
2 9 administrator's designee shall include the following
2 10 information in any registration materials the school
2 11 distributes to parents or guardians of children attending
2 12 classes in a building on the school grounds:
2 13 1. That the school periodically applies pesticides indoors
2 14 or on school grounds.
2 15 2. That information on the pesticides applied indoors or
2 16 outdoors is available at the request of a parent or guardian.
2 17 Sec. 3. NEW SECTION. 206.41 NOTIFICATION OF PESTICIDE
2 18 TREATMENTS AT SCHOOLS.

2 19 1. Prior to applying an indoor pesticide treatment at a
2 20 school building, the certified applicator or a pesticide
2 21 application technician shall supply a pest control information
2 22 sheet and a pest control notification sign to the chief
2 23 administrator of the school or the chief administrator's
2 24 designee, who shall be responsible for all of the following:

2 25 a. Posting the pest control notification sign in
2 26 conspicuous view in an area of common access for at least
2 27 seventy-two hours before and at least forty-eight hours
2 28 following each planned treatment.

2 29 b. Providing copies of the pest control information sheet
2 30 to every individual working in the school building at least
2 31 seventy-two hours before each planned treatment.

2 32 c. Providing notice of the treatment in writing to the
2 33 parents or guardians of the students who attend classes in the
2 34 building at least seventy-two hours before each planned
2 35 treatment. The notice shall include the name, address, and
3 1 telephone number of the certified applicator or the pesticide
3 2 application technician; the date of treatment; and the
3 3 pesticide to be utilized. The notice may be included in a
3 4 normal school communication to parents or guardians and need
3 5 not be mailed separately to parents or guardians.

3 6 2. Prior to applying an outdoor pesticide treatment
3 7 anywhere on school grounds, including but not limited to
3 8 athletic fields or playgrounds, the certified applicator or a
3 9 pesticide application technician shall supply the pest control
3 10 information sheet and a pest control notification sign to the
3 11 chief administrator of the school or the chief administrator's
3 12 designee, who shall be responsible for posting the pest
3 13 control notification sign in conspicuous view on the school
3 14 grounds to be treated for at least seventy-two hours before
3 15 and at least forty-eight hours following each planned
3 16 treatment.

3 17 3. The secretary of agriculture shall adopt rules
3 18 regulating emergency pesticide applications for which the
3 19 required notification in subsections 1 and 2 may be waived.
3 20 The rules shall include all of the following provisions:

3 21 a. Emergency pesticide applications shall be allowed only
3 22 in the event of an immediate threat to the health and safety
3 23 of students and school employees.

3 24 b. Before any emergency application, students and
3 25 employees shall vacate the portion of the building or grounds
3 26 to be treated and shall not be allowed to return to that
3 27 portion of the building or grounds for at least twenty-four
3 28 hours following the application.

3 29 c. School officials shall notify by telephone any parent
3 30 or guardian who has requested notification of emergency
3 31 pesticide use. Schools shall advise parents or guardians of
3 32 their right to request notification of emergency pesticide use
3 33 on an annual basis and shall explain procedures for requesting
3 34 such notification.

3 35 4. The board of directors of each school district and the
4 1 authorities in charge of each accredited nonpublic school
4 2 shall maintain detailed records of all pesticide applications
4 3 for at least three years.

4 4 Sec. 4. NEW SECTION. 206.42 INTEGRATED PEST MANAGEMENT
4 5 PLANS FOR SCHOOLS.

4 6 1. The secretary and the director of the department of
4 7 education shall, in collaboration with the advisory committee
4 8 created pursuant to section 206.23, develop and implement
4 9 integrated pest management plan standards for schools not
4 10 later than March 1, 2008. In developing standards, the
4 11 secretary and the director of the department of education
4 12 shall consult with a person who is knowledgeable in the area
4 13 of integrated pest management in schools. The standards shall
4 14 include but not be limited to the following:

4 15 a. A requirement that the least toxic methods available to
4 16 control pests be used.

4 17 b. A hierarchy of treatments that schools shall use in
4 18 controlling pests.

4 19 c. A uniform pest control notification sign that measures
4 20 at least eight and one-half by eleven inches in size to be
4 21 utilized in school buildings and on school grounds.

4 22 2. The secretary and the director of the department of
4 23 education shall prepare model integrated pest management
4 24 plans, materials, training, and assistance, which the
4 25 department shall provide to schools to facilitate the
4 26 implementation of integrated pest management plans by schools.

4 27 3. The board of directors of each school district and the
4 28 authorities in charge of each accredited nonpublic school
4 29 shall, on or before September 1, 2008, adopt an integrated

4 30 pest management plan that incorporates the standards developed
4 31 by the secretary and the director of the department of
4 32 education.

4 33 Sec. 5. NEW SECTION. 206.43 PESTICIDE APPLICATION ==
4 34 SCHOOL GROUNDS.

4 35 1. No person other than a certified applicator or
5 1 pesticide application technician shall apply pesticides within
5 2 any building or on the grounds of any school. A pesticide may
5 3 be applied in a school building only during periods in which
5 4 students are not expected to use the building for normal
5 5 academic instruction or organized extracurricular activities
5 6 for at least twenty-four hours following the application.

5 7 2. A pesticide may be applied on school grounds only
5 8 during periods in which students are not expected to use the
5 9 treated portion of the grounds for normal academic instruction
5 10 or organized extracurricular activities for at least twenty=
5 11 four hours following the application.

5 12 3. a. If a portion of a school building that has a
5 13 separate ventilation system and is separated from the
5 14 remainder of the building by smoke or fire doors is treated
5 15 with a pesticide, the twenty-four-hour waiting period
5 16 established under subsection 1 shall apply only for the
5 17 treated portion of the building. Students shall not be
5 18 present in the untreated portion of the building for normal
5 19 academic instruction or organized extracurricular activities
5 20 for at least twelve hours.

5 21 b. Access to the treated portion of the building, plus a
5 22 buffer zone as prescribed by the secretary, shall be
5 23 restricted for twenty-four hours. In all such applications,
5 24 the school shall make every effort to prevent the pesticide
5 25 from migrating into the untreated portion of the building,
5 26 including sealing doors and windows from the treated portion
5 27 of the building.

5 28 4. Under no circumstances shall pesticides be applied in a
5 29 school building or on school grounds when students are present
5 30 in the school building or on school grounds for normal
5 31 academic instruction or organized extracurricular activities
5 32 except as provided in section 206.41, subsection 3.

5 33 5. The secretary shall adopt rules establishing standards
5 34 for pesticide application on school grounds, including but not
5 35 limited to the buffer areas around the treated portion of the
6 1 grounds in which students will not be permitted for twenty=
6 2 four hours after application, and establishing procedures for
6 3 pesticide applications in school buildings and on school
6 4 grounds of schools in which students are in residence.

6 5 Sec. 6. NEW SECTION. 206.44 PERIMETER TREATMENT OF
6 6 SCHOOL BUILDINGS.

6 7 1. The secretary shall adopt rules defining a perimeter
6 8 treatment of a school building and adopt by rule definitions
6 9 provided by federal law for the purpose of indoor pesticide
6 10 treatment.

6 11 2. The odoriferous pesticides profenofos, sulprofos, def
6 12 and merphos, and other pesticides with similar odoriferous
6 13 characteristics shall not be applied within one-fourth mile of
6 14 a school except by soil injection.

6 15 3. Highly toxic pesticides and paraquat may be applied
6 16 within one-fourth mile of a school only if authorized
6 17 activities at the school are scheduled to occur after the
6 18 reentry time period assigned to the pesticide by provisions of
6 19 the product label elapses.

6 20 4. A school administrator at the school shall be notified
6 21 of the application of pesticides by aircraft in the vicinity
6 22 of the school as prescribed by the department by rule.

6 23 5. For purposes of this section, distances shall be
6 24 measured from the property boundary of a school closest to the
6 25 area to be sprayed. Nothing in this section shall be
6 26 construed to permit the application of pesticides in such a
6 27 way as to cause drift within the grounds of a school, but
6 28 compliance with subsections 1 through 4 and the requirements
6 29 of the pesticide label establishes a presumption of compliance
6 30 with this section.

6 31 Sec. 7. NEW SECTION. 206.45 EXEMPTIONS.

6 32 1. The use of disinfectant and antimicrobial products are
6 33 exempt from the notification and recordkeeping requirements of
6 34 section 206.41 and from the restrictions on application set
6 35 forth in section 206.43.

7 1 2. Application of self-contained bait packages placed in
7 2 areas not accessible to students are exempt from the
7 3 notification requirements of section 206.41 and from the
7 4 restrictions on application set forth in section 206.43.

7 5 Sec. 8. NEW SECTION. 206.46 REIMBURSEMENT FOR INCREASED

7 6 COSTS.

7 7 The state shall reimburse a school district for increased
7 8 costs associated with the implementation of sections 206.40
7 9 through 206.44 if the school district can demonstrate the
7 10 increased costs for the district, after adjusting for savings
7 11 from reduced pesticide use. Costs for implementing the
7 12 notification requirements of section 206.41 shall not be
7 13 eligible for reimbursement unless the school district can
7 14 demonstrate a compelling need to use other than normal school
7 15 communications to notify a parent or guardian in a timely
7 16 fashion. The secretary shall adopt rules establishing
7 17 standards that specify reasonable costs eligible for
7 18 reimbursement, a schedule for submission of reimbursement
7 19 requests by school districts, and procedures for review and
7 20 verification of reimbursement requests. The reimbursement
7 21 shall be paid from moneys appropriated for this purpose to the
7 22 department of agriculture and land stewardship.

7 23 Sec. 9. EFFECTIVE DATE. This Act takes effect January 1,
7 24 2008.

7 25 EXPLANATION

7 26 This bill requires the board of directors of each school
7 27 district and the authorities in charge of each accredited
7 28 nonpublic school to adopt an integrated pest management plan
7 29 that incorporates the standards developed by the secretary of
7 30 agriculture and the director of the department of education,
7 31 provides for parental notification requirements regarding
7 32 pesticide applications within a school or on school grounds,
7 33 and, from moneys appropriated to the department of agriculture
7 34 and land stewardship for such reimbursements, provides for the
7 35 reimbursement of school districts whose costs for implementing
8 1 the plan and notification requirements exceed the savings from
8 2 reduced pesticide use.

8 3 The bill directs the secretary of agriculture and the
8 4 director of the department of education to develop, in
8 5 collaboration with the advisory committee created pursuant to
8 6 Code section 206.23, and implement integrated pest management
8 7 plan standards not later than March 1, 2008; and to prepare
8 8 model integrated pest management plans, materials, training,
8 9 and assistance, which the department of agriculture shall
8 10 provide to schools.

8 11 The bill requires certified applicators and pesticide
8 12 application technicians to supply, prior to applying an indoor
8 13 pesticide treatment at a school building, a pest control
8 14 information sheet and a pest control notification sign to the
8 15 chief administrator or the chief administrator's designee, who
8 16 must post the pest control notification sign in conspicuous
8 17 view in an area of common access for at least 72 hours before
8 18 and at least 48 hours following each planned treatment,
8 19 provide copies of the pest control information sheet to every
8 20 individual working in the school building at least 72 hours
8 21 before each planned treatment, and provide notice in writing
8 22 to the parents and guardians of the students who attend
8 23 classes in the building at least 72 hours before each planned
8 24 treatment.

8 25 The requirements relating to applying an outdoor pesticide
8 26 treatment anywhere on school grounds are similar. A school
8 27 must also include information in its registration materials
8 28 that the school periodically applies pesticides indoors and on
8 29 school grounds, and that information on the pesticides is
8 30 available at the request of a parent or guardian.

8 31 The secretary of agriculture is directed to adopt rules
8 32 regulating emergency pesticide applications. The board of
8 33 directors of each school district and the authorities in
8 34 charge of each accredited nonpublic school must maintain
8 35 detailed records of all pesticide applications for at least
9 1 three years.

9 2 The standards for an integrated pest management control
9 3 plan must include a requirement that the least toxic methods
9 4 available to control pests, rodents, insects, and weeds be
9 5 used; a hierarchy of treatments that schools must use in
9 6 controlling pests; and a uniform pest control notification
9 7 sign that measures at least 8.5 inches by 11 inches in size to
9 8 be utilized in school buildings and on school grounds.

9 9 The bill prohibits any person other than a certified
9 10 applicator or pesticide application technician from applying
9 11 pesticides within any school building or on the grounds of any
9 12 school, and specifies the conditions and times when a
9 13 pesticide may be applied in a school building and on school
9 14 grounds.

9 15 The bill requires the secretary of agriculture to adopt
9 16 rules defining a perimeter treatment, and prohibits the

9 17 application of certain odoriferous pesticides within one=
9 18 fourth mile of a school, except by soil injection. Other
9 19 highly toxic pesticides may be applied within one=fourth mile
9 20 of a school only when authorized activities at the school are
9 21 scheduled to occur after the reentry time period assigned to
9 22 the pesticide by provisions of the product label elapses.
9 23 The use of disinfectant and antimicrobial products are
9 24 exempted from the notification and recordkeeping requirements.
9 25 The application of self-contained bait packages placed in
9 26 areas not accessible to students is exempted from the
9 27 notification requirements and from the restrictions on
9 28 application.
9 29 The bill takes effect January 1, 2008.
9 30 The bill may include a state mandate as defined in Code
9 31 section 25B.3.
9 32 LSB 1446HH 82
9 33 kh:nh/gg/14